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EXAMINER				
ZENATI, AMAL S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/579,053

Applicant(s)

BARAK, ZVI

Examiner

AMAL ZENATI

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-7 and 9-26 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-7 and 9-26 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Consider **Claims 1 – 7, 9, 10, 16, and 23 - 26**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilbert (US Patent No.: 7,580,374 B1; hereinafter Gilbert)** in view of **Joao (Pub. No.: US 2002/0108125 A1)** and further in view of **Johnson et al (US Patent No.: 6,072,780 B1; hereinafter Johnson)**

Consider **claim 1**, **Gilbert** clearly shows and discloses a system for a directing party to simultaneously communicate with a plurality of participants comprising: a control unit directly controlled by the directing party (col. 3, lines 15-66; fig. 1 and fig. 6); a first server in remote communication with said control unit; a second dialing server in communication with said first server, *(the servers being one server or two separate servers would carry no patentable weight since it is a matter of engineering choice and it would be obvious modifications to one of ordinary skill in the art)* (col. 4, lines 1-66; col. 6, lines 1-25; and fig. 6); wherein said directing party controls the communication with the plurality of participants (col. 5, lines 35-67; and figs. 2-7); however, **Gilbert** does not specifically disclose the system, a script

toolkit in communication with the control unit for constructing a scrip from a series of building blocks, said scrip associated with the type of communication being conducted; wherein the second dialing server is communicate with the plurality of participants and to simultaneously launch said script to each of said plurality of participants accepting said communication; a statistical analyzer in communication with the control unit for statistically analyzing the response, in real time, to each of the building blocks 9fthe script by the group comprising the plurality of participants taking part in said communication; and wherein said directing party controls the communication with the plurality of participants, independently and in real time, control the entire dialing and broadcasting process with the plurality of participants.

In the same field of endeavor, **Joao** clearly discloses the method, a script toolkit in communication with the control unit for constructing a scrip from a series of building blocks, said scrip associated with the type of communication being conducted (paragraphs: 0259 and 0267); wherein the second dialing server is communicate with the plurality of participants and to simultaneously launch said script to each of said plurality of participants accepting said communication (paragraphs: 0258, and 0261-0262); a statistical analyzer in communication with the control unit for statistically analyzing the response, in real time, to each of the building blocks of the script by the group comprising the plurality of participants taking part in said communication (paragraphs: 0263-0267).

Joao discloses the above for the purpose of providing user means to cast his or her vote/responses/participate for the desired candidate/information (paragraphs: 0268 and 0269).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Joao into teaching of Gilbert for the purpose of independently and in real time controlling the entire dialing and broadcasting process with the plurality of participants.

However, **Gilbert and Joao** do not specifically disclose the method wherein said directing party controls the communication with the plurality of participants, independently and in real time, control the entire dialing and broadcasting process with the plurality of participants

In the same field of endeavor, **Johnson** clearly discloses the method wherein said directing party controls the communication with the plurality of participants, independently and in real time, control the entire dialing and broadcasting process with the plurality of participants (*dropping or adding parties to the conference by communication with the switching interface and telephone switcher*) (col. 1, lines 66-67; and col. 2, lines 1-21)

Johnson discloses the above for the purpose of providing user means to independently and in real time control the entire dialing and broadcasting process with the plurality of participants (col. 2, lines 1-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Johnson into teaching of Gilbert and Joao for the purpose of independently and in real time controlling the entire dialing and broadcasting process with the plurality of participants.

Consider **claim 7, Gilbert** clearly shows and discloses a method for communicating with a plurality of participants, said method comprising the step of: a directing party independently controlling the simultaneous communication with the plurality of participants in real-time (col. 4, lines 1-66; col. 6, lines 1-25; and fig. 6); communication with the plurality of participants (col. 3, lines 15-66; fig. 1 and fig. 6); however, **Gilbert** does not specifically disclose the system by controlling the entire dialing and broadcasting process with the plurality of participants, said process comprising any of a group of actions including preparing a script constructed from a series of building blocks and initiating the simultaneous communication with said plurality of participants; simultaneously launching said script with each of said plurality of participants an accepting said communication; in real time, statistically analyzing the

responses to each of the building blocks of said script by the group comprising the plurality of participants taking part in said communication; said directing party receiving the results of said statistical analysis; and said directing party determining a subsequent course of action based on said results.

In the same field of endeavor, **Joao** clearly discloses the system, said process comprising any of a group of actions including preparing a script constructed from a series of building blocks and initiating the simultaneous communication with said plurality of participants (paragraphs: 0259 and 0267); simultaneously launching said script with each of said plurality of participants an accepting said communication; in real time, statistically analyzing the responses to each of the building blocks of said script by the group comprising the plurality of participants taking part in said communication (paragraphs: 0258, and 0261-0267); said directing party receiving the results of said statistical analysis; and said directing party determining a subsequent course of action based on said results (paragraphs: 0267-0269).

Joao discloses the above for the purpose of providing user means to cast his or her vote/responses/participate for the desired candidate/information (paragraphs: 0268 and 0269).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Joao into teaching of Gilbert for the purpose of independently and in real time controlling the entire dialing and broadcasting process with the plurality of participants.

However, **Gilbert and Joao** do not specifically disclose the method wherein said directing party controls the communication with the plurality of participants, independently and in real time, control the entire dialing and broadcasting process with the plurality of participants

In the same field of endeavor, **Johnson** clearly discloses the method wherein said directing party controls the communication with the plurality of participants, independently and in real time, control the entire dialing and broadcasting process with the plurality of participants (*dropping or adding parties to*

the conference by communication with the switching interface and telephone switcher) (col. 1, lines 66-67; and col. 2, lines 1-21)

Johnson discloses the above for the purpose of providing user means to independently and in real time control the entire dialing and broadcasting process with the plurality of participants (col. 2, lines 1-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Johnson into teaching of Gilbert and Joao for the purpose of independently and in real time controlling the entire dialing and broadcasting process with the plurality of participants.

Consider **claim 2, Gilbert, Joao and Johnson** clearly show the method, wherein said control unit communicates with said first server via the Internet (Gilbert: col. 5, lines 60-67).

Consider **claim 3, Gilbert, Joao and Johnson** clearly show the method, wherein said first server and said second dialing server are combined in a single unit (Gilbert: figs. 1-2)

Consider **claim 4, Gilbert, Joao and Johnson** clearly show the method, wherein said second dialing server communicates with the plurality of participants via a Public Switched Telephone Network (PSTN) to any of a group of communication devices associated with the participants including land line telephones, personal computers, cellular telephones, facsimile machines, and cable TV (Gilbert: fig. 1; and Johnson: col. 3, lines 1-10, fig. 1).

Consider **claim 5, Gilbert, Joao and Johnson** clearly show the method, wherein said dialing server is configured to communicate with any combination of participants and communication devices via any of a group of communication protocols including interactive television, cable or satellite (Johnson: col. 2, lines 54-66).

Consider **claim 6, Gilbert, Joao and Johnson** clearly show the method, wherein said first server comprises a scheduler for allocating time slots available for communication via said second dialing server (Gilbert: col. 8, lines 40-60).

Consider **claim 9, Gilbert, Joao and Johnson** clearly show the method, wherein said step of independently controlling comprises the step of: terminating the simultaneous communication after an analysis of the responses from a percentage of the plurality of participants (Joao: paragraphs: 0261-0267).

Consider **claim 10, Gilbert, Joao and Johnson** clearly show the method, wherein said simultaneous communication comprises any of a group of services including polling consumer surveys, sending messages, sending alerts and conducting interviews (Joao: paragraphs: 0261-0269).

Consider **claim 16, Gilbert, Joao and Johnson** clearly show the method, wherein said step of initiating comprises the steps of: defining at least one time period to be associated with the communication; and defining the recurrence interval of the communication (Joao: 0261-0269).

Consider **claim 23, Gilbert, Joao and Johnson** clearly show the method, wherein said step of analyzing the responses comprises the steps of: analyzing the participants input; preparing a report; and transmitting the report in real time to the directing party (Joao: paragraphs: 0261-0269)

Consider **claim 24, Gilbert, Joao and Johnson** clearly show the method, wherein said report may comprise any of a group of reporting formats including lists, graphs and charts (Joao: paragraphs: 0261-0269).

Consider **claim 25, Gilbert, Joao and Johnson** clearly show the method, wherein said step of initiating comprises the steps of allocating a time slot for a plurality of callers to dial a dedicated number; preparing and recording a script; and playing said script to said plurality of callers (Joao: paragraphs: 0261-0269)

Consider **claim 26, Gilbert, Joao and Johnson** clearly show the method, wherein said step of initiating comprises the step of permitting the plurality of callers to transfer to a human resource for specific interactive discussions (Joao: paragraphs: 0261-0269).

6. Consider **Claims 11 - 15**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilbert** (US Patent No.: **7,580,374 B1**; hereinafter **Gilbert**) in view of **Joao** (Pub. No.: **US 2002/0108125 A1**) and further in view of **Johnson et al** (US Patent No.: **6,072,780 B1**; hereinafter **Johnson**) and further more in view of **Strauss et al** (patent No.: **5,940,598**; hereinafter **Strauss**)

Consider **claim 11 Gilbert, Joao and Johnson** clearly show the method, wherein said step of initiating comprises the steps of: preparing a distribution list associated with said plurality of participants; constructing a script associated with the type of communication being conducted prior to initiating the communication; and distributing the script to the filtered distribution list (*filtering said distribution list in accordance with the type of communication being conducted is inherent in Gilbert, Joao, and Johnson, however, Examiner use Strauss for more clarification*) (Joao: paragraphs: 0261-0269); however, **Gilbert, Joao and Johnson** do not specifically disclose filtering said distribution list in accordance with the type of communication being conducted

In the same field of endeavor, **Strauss** clearly discloses the method, filtering said distribution list in accordance with the type of communication being conducted (figs. 5A-5D).

Strauss discloses the above for the purpose of providing multimode communications via a combination of the public switched telephone network (PSTN) and public packet data network (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to filter said distribution list in accordance with the type of communication being

conducted as taught by Strauss in Gilbert, Joao and Johnson, in order to provide multimode communications via a combination of the public switched telephone network (PSTN) and public packet data network.

Consider **claim 12, Gilbert, Joao, Johnson and Strauss** clearly show the method, wherein said distribution list comprises any of a group of lists including telephone numbers, email addresses, account numbers and cable IDs (Joao: paragraphs: 0261-0269).

Consider **claim 13, Gilbert, Joao, Johnson and Strauss** clearly show and discloses the method, wherein said step of constructing a script comprises the step of defining and recording any of a group of elements including messages, questions and possible alternative answers to said questions (Joao: paragraphs: 0261-0269).

Consider **claim 14, Gilbert, Joao, Johnson and Strauss** clearly show the method, wherein said step of constructing a script comprises the step of permitting the plurality of participants to transfer to a human resource for specific interactive discussions (Joao: paragraphs: 0261-0269).

Consider **claim 15, Gilbert, Joao, Johnson and Strauss** clearly show the method, wherein said step of defining and recording comprises the step of allowing the plurality of participants to submit their responses to said questions in any of a group of communication methods including DTMF, SMS, voice and via interactive television (Joao: paragraphs: 0261-0269).

7. Consider **Claims 17 - 22**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilbert** (US Patent No.: 7,580,374 B1; hereinafter **Gilbert**) in view of **Joao** (Pub. No.: US 2002/0108125 A1) and further in view of **Johnson et al** (US Patent No.: 6,072,780 B1; hereinafter **Johnson**) further more

in view of **Penfield et al (Patent No.: US 6,480,591 B1; hereinafter Penfield)** and further in view of **Dorenbosch et al (Pub. No.: US 2004/0064355 A1; hereinafter Dorenbosch)**

Consider **claim 17, Gilbert, Joao and Johnson** clearly discloses the claimed invention above but lack teaching the method, further comprising the step of determining the availability and cost of the service to be provided.

In the same field of endeavor, **Penfield** clearly discloses shows the method the method, further comprising the step of determining cost of the service to be provided (abstract, col. 1, lines 55-66; and col. 2, lines 1-30).

Penfield discloses the above for the purpose of determining cost of the service to be provided (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determining cost of the service to be provided as taught by Penfield in Gilbert, Joao and Johnson, in order to determine cost of the service to be provided.

However, **Gilbert, Joao and Johnson and Penfield** lack teaching the method, further comprising the step of determining the availability of the service to be provided.

In the same field of endeavor, **Dorenbosch** clearly discloses shows the method the method, further comprising the step of determining availability of the service to be provided (abstract, paragraphs: 0014-0017).

Dorenbosch discloses the above for the purpose of determining availability of the service to be provided (abstract)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determining availability of the service to be provided as taught by Dorenbosch in Gilbert, Joao and Johnson and Penfield, in order to determine availability of the service to be provided.

Consider **claim 18, Gilbert, Joao, Johnson, Penfield, and Dorenbosch** clearly show the method, wherein said step of determining comprises the steps of: determining the telephony resources available; calculating the length of each call; and determining the number of telephones required for the service, based on the length of each call and the size of the distribution list (Penfield: col. 4, lines 16-45; and Dorenbosch: paragraphs: 0014-0019).

Consider **claim 19, Gilbert, Joao, Johnson, Penfield, and Dorenbosch and Dorenbosch** clearly shows the method, wherein said step of determining comprises the step of: the directing party allocating a level of priority to the communication (Dorenbosch: paragraphs: 0016-0017).

Consider **claim 20, Gilbert, Joao, Johnson, Penfield, and Dorenbosch Penfield, and Dorenbosch** clearly show the method, wherein said step of determining further comprising the steps of the system denying the service due to shortage of resources available at the time period requested; and the directing party rescheduling the time period for the communication in accordance with the telephony resources available and level of priority (Penfield: col. 4, lines 16-45; and col. 6, lines 22-45; and Dorenbosch: paragraphs: 0014-0019).

Consider **claim 21, Gilbert, Joao, Johnson, Penfield, and Dorenbosch Penfield, and Dorenbosch** clearly show the method, wherein said step of determining comprises the step of: comparing the cost of the communication with the credit available to the client (Penfield: col. 1, lines 28-35; col. 6, lines 22-45; and Dorenbosch: paragraphs: 0014-0019)

Consider **claim 22, Gilbert, Joao, Johnson, Penfield, and Dorenbosch Penfield, and Dorenbosch** clearly shows the method, wherein said step of determining further comprises the step of: requesting additional credit to cover the cost of the communication or denying the service if not enough credit is available (Penfield: col. 4, lines 16-45; and col. 6, lines 22-45).

Response to Arguments

The present Office Action is in response to Applicant's amendment filed on October 24, 2011. Applicant has amended **claims 1, 7, 8, 9, and 11, and has cancelled claim 8**; claims **1-7, and 9-26** are now pending in the present application.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571-270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Amal Zenati/
Patent Examiner, Art Unit 2614

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December 19, 2011